

MS6

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 AUG 11 108 AM 2473

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
Jose Vicente MENDOZA-Hernandez)
)
Defendant.)
_____)

Magistrate Case No.

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *[Signature]*
COMPLAINT FOR VIOLATION OF
DEPUTY

Title 8, U.S.C., Section 1326
Attempted Entry After
Deportation

The undersigned complainant being duly sworn states:

On or about August 9, 2008, within the Southern District of California, defendant **Jose Vicente MENDOZA-Hernandez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the San Ysidro Port of Entry, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

[Signature]
Alfredo Loperena, Enforcement Officer
U.S. Customs and Border Protection

Sworn to before me and subscribed in my presence this 11th day of August, 2008.

[Signature]
UNITED STATES MAGISTRATE JUDGE

8-9-08
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PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Jacob James, declare under penalty of perjury the following to be true and correct:

On August 9, 2008 at approximately 3:17 P.M., a male identified as **Jose Vicente MENDOZA-Hernandez (Defendant)**, attempted to enter the United States from Mexico via the San Ysidro California Port of Entry vehicle primary lanes. Defendant presented himself for inspection before a Customs and Border Protection (CBP) Officer. Defendant presented his valid California Driver License bearing his photograph and stated he was a United States citizen. Defendant stated he was returning home to El Monte, California. CBP Officer referred Defendant to secondary for further inspection.

During secondary inspection Defendants fingerprints were queried using the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS produced a positive response indicating the Defendant was previously deported from the United States. Defendant was referred to the San Ysidro Prosecutions Unit.

During a videotaped interview Defendant elected to answer questions without the benefit of counsel. Defendant admitted to being a citizen of Mexico by virtue of birth in Michoacán, Mexico. Defendant admitted he has been previously deported by an Immigration Judge and does not have documents to enter the United States. Defendant admitted his intentions were to enter the United States and travel to New York. Defendant stated he has not applied for, or received permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security to legally re enter the United States.

Further queries utilizing the Immigration Central Index System (CIS) and Deportable Alien Control System (DACS) confirm Defendant is a citizen of Mexico with no legal documents to enter the United States. DACS revealed Defendant was deported before an Immigration Judge on or about July 5, 1998 and was physically removed to Mexico on July 7, 1998. Defendant's most recent removal was on February 1, 2008. Defendant was physically removed to Mexico via the Calexico Port of Entry.

Immigration records contain no evidence that Defendant has applied for, or received permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security to legally re enter the United States.

Executed on this 9th day of August 2008 at 2130.


J. James / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of 1 page, I find probable cause to believe that the defendant named therein committed the offense on August 9, 2008 in violation of Title 8, United States Code, Section 1326.


MAGISTRATE JUDGE

8/10/2008 at 11:00 a.m.
DATE / TIME